IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

WP(C).No. 30278 of 2007(D)

PETITIONER:

KODANCHERY SERVICE CO-OPERATIVE BANK LTD.NO.F.1762, KODANCHERY, KOZHIKODE, REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.P.P.JACOB
SRI.N.T.SATHYAVAN

RESPONDENTS:
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1. K.T. THOMAS,
KUNNATHU HOUSE, KODANCHERY, KOZHIKODE.

2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.

3. THE KERALA STATE CO-OPERATIVE ELECTION COMMISSION, THIRUVANANTHAPURAM.

4. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G), KOZHIKODE.

BY ADV. SRI.P.V.SURENDRANATH, SC FOR R1
GOVT. PLEADER SMT. ANU SIVARAMAN FOR R2 TO R4

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(c).No.30278 OF 2007

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Dated this the 18th day of October, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioner is a co-operative Society. The term of the committee will expire on 10/11/2007. Ext.P1 decision was taken to conduct election on 03/11/2007 fixing the venue at Nellipoyil, an area and place almost in the middle of the area of the society. The decision was forwarded to the respondents for appointing Returning Officer. According to the petitioner, the Committee decided the venue after considering various aspects and also considering the sufficiency of traffic and convenience of voters. The lack of available building at Kodanchery was also considered. It is the further case of the petitioner that on political interest, the first respondent with others filed complaint to the Minister and forwarded to the second respondent to change the venue. Upon this court directed consideration of the same, Ext.P6 order was passed accepting the petitioner's contentions. After that the order become final and another writ petition (W.P.(C)No.27840/07) was closed recording the submission of the

learned counsel that notification was published by the election commission appointing Returning Officer. Ext.P8 which is challenged is issued by the 4th respondent-Joint Registrar. It is stated to be issued on political interference. According to the petitioner by Ext.P6 the Registrar had only directed the committee to consider the matter regarding change of venue from Nellipoyil to Kodanchery. According to the petitioner, there is no direction by the Registrar to change the venue from Nellipoyil to Kodanchery. But the Joint Registrar interprets the order of the Registrar and directed the petitioner to take a resolution changing the venue from Nellipoyil to Kodanchery as if that was the direction by the Registrar. I find merit in the said contention and I feel that the Joint Registrar has gone beyond the direction given by the second respondent-Registrar. I feel that there is absolutely no authority for the Joint Registrar to give such direction. Accordingly, I quash Ext.P8.

Writ petition is disposed of as above.

(K.M.JOSEPH, JUDGE)

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